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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JPW
CAP 2828

MAILED
MAY 19 2004
PATENT & TRADEMARK OFFICE

In re the Application of: **SHIMOYAMA et al.**

Serial Number: **09/511,188**

Group Art Unit: **2828**

Examiner: **Delma R. Flores Ruiz**

Filed: **February 23, 2000**

PTO Confirmation No.: **4217**

For: **SEMICONDUCTOR OPTICAL DEVICE APPARATUS**

Attorney Docket No.: **000202**

Customer No.: **38834**

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

May 19, 2004

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated **November 19, 2003** of the Primary Examiner.

The item(s) checked below are appropriate:

1. ☐ A petition for a one month extension of time to respond to the Final Rejection is filed herewith.
2. ☐ A timely response to the Final Rejection has been filed, as provided in 37 C.F.R. 1.113.
3. ☒ Fee **\$330.00** or ☐ Small Entity -\$165.00

- ☒ Enclosed
☐ Not required (fee paid in prior appeal)
☐ Charge to Deposit Account No. 50-2866

In the event this Notice of Appeal is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this Notice.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

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Attachments: Fee - \$330.00

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